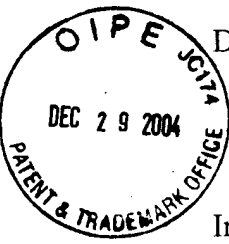


EDW
AR



Docket No.: 48864-014

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 20277
	:	
Shinichi BAN, et al.	:	Confirmation Number: 2638
	:	
Application No.: 09/198,534	:	Tech Center Art Unit: 2623
	:	
Filed: November 24, 1998	:	Examiner: BALI, Vikkram
	:	

For: DATA PROCESSING APPARATUS FOR PROCESSING A 3-DIMENSIONAL
DATA OF AN OBJECT AND A METHOD THEREFOR

REPLY BRIEF

Mail Stop Reply Brief
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is filed under 37 CFR 1.193(b)(1) in response to the Examiner's Answer (hereinafter "Answer"), dated November 2, 2004. Rejected claims 1 through 25, 29 through 31, 34, 35 and 37 through 39 remain on appeal. Appellant maintains the position that these claims stand improperly rejected and reasserts all arguments contained in the Principal Brief. Reference is made herein to the Principal Brief for its descriptions of the applied references and arguments advanced for patentability. The following commentary focuses on distinctions that are believed to warrant additional clarification.

The present invention is related to a technique for modifying a three-dimensional shape in accordance with a two-dimensional image, as required, for example, by independent claim 1. In contrast, Munetsugu is related to a technique for modifying a

two-dimensional image, as evidenced by the title and the description of an image, for example, at column 7, line 13. The image to be modified is obtained from the video camera 21. The objects of Munetsugu are different from the claimed invention with respect to the objects to be modified.

The Examiner contends that the surface model 114 of Munetsugu has three-dimensional information (presumably with respect to Figs. 13-15). It is submitted that these figures appear as two-dimensional renderings and that there is nothing that identifies a three-dimensional image in the patent specification. However, even assuming, *arguendo*, that surface model 114 were to be considered to represent a three dimensional shape, what is modified in Munetsugu is still a two-dimensional image. The surface model 114 is merely utilized for the modification and does not correspond to the inputted 3-dimensional form data that is to be modified per the claims of the present application.

Appellant again submits that claims 1 through 25, 29 through 31, 34, 35 and 37 through 39 stand improperly rejected and urges reversal of the rejections.

Accordingly, allowance of the application is respectfully solicited. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made.

09/198,534

Please charge any shortage in fees due in connection with the filing of this paper,
including extension of time fees, to Deposit Account 500417 and please credit any excess
fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Gene Z. Robinson", with a stylized, flowing script.

Gene Z. Robinson
Registration No. 33,351

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 GZR:dmd
Facsimile: 202.756.8087
Date: December 29, 2004

**Please recognize our Customer No. 20277
as our correspondence address.**